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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,715

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

HADERLEIN, PETER R

ART UNIT

PAPER NUMBER

2879

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,715	<b>Applicant(s)</b> HENDRICX ET AL.	
	<b>Examiner</b> PETER R. HADERLEIN	<b>Art Unit</b> 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/4/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed on February 10, 2004.

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the focal point of a reflector present in the headlamp" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

Art Unit: 2879

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The disclosure is objected to because of the following informalities:

Pg. 2. Lin 18: change "therefor" to --therefore--

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 6, 8, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the recitation "a transport of ionized particles is obtained in the direction of one of the electrodes nearest to the focal point of a reflector present in the headlamp" is indefinite because it is not made clear where the focal point of the

Art Unit: 2879

reflector is present in the headlamp and therefore which electrode it is nearest to and in which direction the ionized particles are to be transported.

Regarding claim 3, the recitation "to obtain a predetermined maximum luminance level near one of the electrodes nearest to the focal point of the reflector" is indefinite because it is not made clear where the focal point of the reflector is located in the headlamp.

In addition, regarding claim 3, the phrase "such as" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). For the purpose of examination, examiner interprets claim 3 to recite "said vehicle headlamp comprises a ballast for controlling the operating power of the lamp in dependency on the strength of the average direct current".

Regarding claim 6, the phrase "and/or" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). For the purpose of examination, examiner interprets claim 6 to recite "a first end part...differs in geometry, diameter, length, circumference, cross-sectional area, surface, volume or type of material..."

Claims 8 and 9 recite the limitation "current-generating means" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Inukai et al. (US 4,799,135).

As to claim 1, Inukai et al. teaches a vehicle headlamp provided with a metal halide lamp comprising a discharge vessel ("luminescent tube", Fig. 1: 16) surrounded by an outer envelope ("outer tube" 14) and a wall that encloses a discharge space, wherein the discharge space is filled with a rare gas (Col. 5, Ln. 8; "rare gas" can include Xenon) and ionizable particles ("mercury, scandium iodide, and sodium iodide as metal halogens", Col. 5, Lns. 8-9) and contains two electrodes (18 and 20) that form a discharge path between their tips. Inukai et al. further teaches the vehicle headlamp as comprising a direct current power source and having a horizontal orientation that produces a cataphoresis effect that varies the spatial distribution of the ionizable particles inside the vessel along the horizontal axis of the lamp (Col. 6, Lns. 14-20).

As to claim 2, Inukai et al. teaches the vehicle headlamp as comprising a means for generating direct current inside the discharge vessel in a direction whereby ionized particles are transported in a direction towards the electrode closest to the focal point of a reflector in the headlamp (in particular, the sodium halides are transported near the negative electrode 20 closer to the focus point *F* of the reflector, Col. 6, Lns. 14-20).

Art Unit: 2879

As to claim 3, Inukai et al. teaches the vehicle headlamp as comprising a ballast (Col. 3, Ln. 48). The phrase "for controlling the operating power of the lamp...such as to obtain a predetermined maximum luminance level near one of the electrodes nearest to the focal point of the reflector" is an example of intended use language and does not preclude the prior art from reading on the structure of the device as claimed by applicant.

As to claim 4, Inukai et al. teaches the discharge vessel as having a mirror symmetrical cross section (Fig.1).

As to claim 10, Inukai et al. teaches a metal halide lamp to be used in a vehicle headlamp according to claim 1 (Abstract, Ln. 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inukai et al. (US 4,799,135) as applied to claim 1 above, and further in view of Kuhmert et al. (US 4,292,564).

As to claims 5 and 6, Inukai et al. teaches the structure of the metal halide lamp according to claim 1. Inukai et al. does not teach the discharge vessel as being asymmetrical in shape, wherein a first end part of the discharge vessel differs in

Art Unit: 2879

geometry, diameter, length, circumference, cross-sectional area, surface, volume, or type of material from a second end part of the vessel. Kuhmert et al. teaches a lamp/reflector unit comprising a discharge vessel (Fig. 2: 2) containing two filaments disposed opposite to each other (4 and 5, the filaments read on the two electrodes as claimed by applicant), wherein the discharge vessel has asymmetric end parts that differ in geometry. Kuhmert et al. teaches the discharge vessel as having asymmetric end parts as a consequence of forming a pinch seal (3) on one end of the glass bulb for easy interface with the auxiliary lamp apparatus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the metal halide lamp as taught by Inukai et al. with the asymmetric discharge vessel as taught by Kuhmert et al. to provide for ease in manufacture of the device.

As to claim 7, Inukai et al. teaches the distance from the tip of the electrode closest to the focal point of the reflector to the bottom of the discharge vessel as larger than the distance from the tip of the other electrode to the bottom of the discharge vessel.

Claim 8 is rejected under 103(a) as being unpatentable over Inukai et al. (US 4,799,135) as applied to claim 1 above, and further in view of Maheshwari et al. (US 5,932,946).

As to claim 8, Inukai et al. teaches the structure of the metal halide lamp according to claim 1. Inukai et al. does not teach the current-generating means as not generating average direct current during the running-up of the lamp. Maheshwari et al.



Art Unit: 2879

teaches a driving configuration for a discharge lamp in which the start-up current "is AC with no DC offset" ("full-bridge operation", Col. 6, Lns. 40-41). Maheshwari et al. teaches the full-bridge operation because a high-frequency starting current lowers the peak ignition voltage (Col. 4, Lns. 30-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the metal halide lamp as taught by Inukai et al. with the driving configuration as taught by Maheshwari et al. to reduce the power consumption of the device.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inukai et al. (US 4,799,135) as applied to claim 1 above, and further in view of Lestician (US Pub. No. 2004/0038602 A1).

As to claim 9, Inukai et al. teaches the structure of the metal halide lamp according to claim 1. Inukai et al. does not teach the current-generating means as generating a lower average direct current during the running up of the metal halide lamp than during the normal operation of the lamp. Lestician teaches a light system comprising a metal halide lamp, wherein the lamp utilizes a start-up current of less than 1.0 milliamps (Par. [0016]) and a normal operation current of 2.2 amps (Claim 18). Lestician et al. teaches the usage of a low start-up current to minimize erosion to the lamp electrodes caused by high voltage (Par. [0013]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the metal halide lamp as taught by Inukai et al. with the low start up current as taught by Lestician et al. to prolong the lifetime of the device.

Art Unit: 2879

The phrase "such that a predetermined maximum temperature of the electrodes during running up of said metal halide lamp is not exceeded" is an example of intended use language and does not preclude the prior art from the reading on the structure of the device as claimed by applicant.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER R. HADERLEIN whose telephone number is (571)270-7814. The examiner can normally be reached on Monday through Friday, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571)272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2879

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter R Haderlein/  
Examiner, Art Unit 2879

/NIMESHKUMAR D. PATEL/  
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